

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK PARTER,

Plaintiff,

v.

CIVIL CASE NO. 06-10561

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

ANTHONY VALONE, et al ,

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATIONS

Before the Court is Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b), filed on April 21, 2006. Also before the Court is the report and recommendation of the Honorable Mona K. Majzoub, United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendants' motion to dismiss. The Magistrate Judge served the report and recommendation on all parties on October 3, 2006 and notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v.*

Arn, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry 16] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendants' motion to dismiss [docket entry 8] is **GRANTED**.

IT IS FURTHER ORDERED that this cause of action, 06-CV- 10561 is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: October 30, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on October 30, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Kevin M. Thom, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Frank Parter.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845